

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED,
NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME
COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Detroit District January 4, 2006

FILE NUMBER: 88-145-015-7 (process 1)

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** N **Date:** N/A
(Y/N)

At the project Y **Date:** November 30,
site (Y/N) 2005

PROJECT LOCATION INFORMATION:

State: Indiana

County: Lake

Center coordinates of site by latitude & longitude coordinates: lat:41-32-30.0120 lon:87-30-47.9880

Approximate size of site/property (including uplands) in acres 2.5 acres total

Name of waterway or watershed: Isolated Wetland

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: **Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The subject property was inspected on the morning of Wednesday, November 30, 2005. The wetland boundary was still marked with lathe stakes on site labeled with “ESI”, which stands for Earth Source Incorporated. I concur with the wetland boundary as depicted in the delineation report dated November 9, 2005. The wetland complex on site also continues to the west of the subject property as depicted in the report. The subject property was surrounded by 45th Street to the north, a building to the east, multiple parking lots and the Illiana Surgery Center building to the south, and a berm and a large elongated building to the west. There were two portions of the wetland that were mowed, and some debris, woodchips, and other slashings were also observed in a couple different areas in the wetland. No other wetlands or waters were observed on the subject property. The 0.75-acre wetland on the subject property has no surface connections on site to any other waters of the United States; therefore, the wetland is isolated, and no longer within Corps jurisdiction due to the SWANCC ruling.